

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

ALAN BERGQUIST, D.C.,

File No. 09-1010

Plaintiff,

v.

**DEFENDANTS' JOINT NOTICE OF
AND PETITION FOR REMOVAL**

STATE FARM MUTUAL AUTOMOBILE
INSURANCE CO. and HARTFORD LIFE
AND ACCIDENT INSURANCE CO.,

Defendants.

TO: The United States District Court, District of South Dakota, Northern Division.

State Farm Mutual Automobile Insurance Company ("State Farm") and Hartford Life and Accident Insurance Company ("Hartford") (together "Defendants"), Defendants in the above-entitled action, respectfully state to the Court:

1. They are Defendants in a civil action in the Circuit Court, State of South Dakota, County of Grant, entitled *Bergquist v. State Farm Mutual Automobile Insurance Co. and Hartford Life and Accident Insurance Co.*, File No. 09-SC-0029. Attached are true and correct copies of the Summons and Complaint received by Hartford, the Summons and Complaint received by State Farm, Plaintiff's Interrogatories, Requests for Production of Documents, and Requests for Admissions to Defendant Hartford Life and Accident Insurance Company, and Plaintiff's Interrogatories, Requests for Production of Documents, and Requests for Admissions to Defendant State Farm Mutual Automobile

Insurance Company, which are the only process, pleadings, or orders served upon Defendants or on file in this matter.

2. Hartford received actual notice of this action when it received a copy of the Summons and Complaint through the office of its registered agent for service of process in South Dakota on April 27, 2009. The South Dakota Department of Revenue and Regulation, Division of Insurance, purported to admit service on Hartford's behalf on April 23, 2009.

3. State Farm received actual notice of this action when it received a copy of the Summons and Complaint on April 27, 2009.

4. The above-described state court action is a civil action which is properly removable to this Court by Defendants herein.

5. This Court has original jurisdiction over this matter under 28 U.S.C. § 1332 because there is complete diversity of citizenship between the parties served in this matter and the amount in controversy exceeds \$75,000.

6. Plaintiff is a citizen of the State of South Dakota. Hartford is incorporated and maintains its principal place of business in the State of Connecticut. State Farm is incorporated and maintains its principal place of business in the State of Illinois.

7. With respect to the amount in controversy, Plaintiff's complaint seeks an award of long-term disability benefits and attorneys' fees from Hartford. The amount of the disability benefits Plaintiff seeks to recover from Hartford exceeds \$75,000.

8. With respect to the amount in controversy, Plaintiff's complaint also seeks an award of long-term disability benefits, attorneys' fees, and punitive damages from State Farm. The amount Plaintiff seeks to recover from State Farm exceeds \$75,000.

9. The United States District Court for the District of South Dakota is the district embracing the place where this action is pending. Therefore, the civil action described above may be removed to this Court pursuant to 28 U.S.C. § 1441(a) and (b).

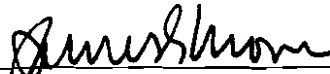
6. Written notice of the filing of this Notice of and Petition for Removal has been served upon Plaintiff's counsel.

7. A copy of the Notice of Filing of Defendants' Joint Notice of and Petition for Removal has been sent to the Clerk of Courts, Grant County, Third Judicial District, State of South Dakota.

Wherefore, Defendants request that the above action pending against it in the State of South Dakota, Third Judicial District, County of Grant, be removed therefrom to this Court and proceed in this Court as an action properly removed therein.

Dated: May 26, 2009

WOODS, FULLER, SHULTZ & SMITH P.C.

By: 
James E. Moore
PO Box 5027
300 South Phillips Avenue, Suite 300
Sioux Falls, SD 57117-5027

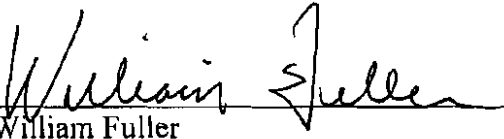
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**ATTORNEYS FOR DEFENDANT
HARTFORD LIFE AND ACCIDENT
INSURANCE COMPANY**

Dated: May 26, 2009

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COMPANY